

REMARKS

Applicant thanks the Examiner for allowing claims 1-13, and indicating that claims 18 and 19 contain allowable subject matter. Reconsideration and withdrawal of the rejection of claims 14-17 set forth in the Official Action of June 24, 2004, and allowance of all pending claims, are respectfully requested in view of the following remarks.

Status of the Claims

Claims 1-19 are currently pending.

Claims 1-13 were allowed.

Claims 14-17 were rejected under 35 U.S.C. § 103(a).

Claims 18 and 19 were each objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 14-17 under 35 U.S.C. § 103(a) as being unpatentable over Canadian Patent No. 2,316,368 to Ambasz et al. ("Ambasz") in view of U.S. Patent No. 6,502,904 to Hansen ("Hansen"). The Examiner asserts that Hansen teaches an armrest that is movable in a simultaneous pivotal and translational manner, and that it would have been obvious to one skilled in the art to modify the Ambasz device, which claims an armrest that is movable in only a pivotal manner, such that the armrest could have both pivotal and translational movement providing the assertedly obvious advantage of facilitating chair stacking. Applicant respectfully submits that the prior art does not provide any suggestion or motivation for combining the rotational and translational movements claimed in Hansen with Ambasz, and moreover, even if combined do not teach or suggest all of Applicant's claim limitations.

As to claim 14, the claimed invention teaches an armrest support associated with the frame and an armrest mounted on the armrest support, characterized in that the armrest is slidably supported on the armrest support for simultaneous and controlled pivotal movement about a substantially vertical pivot axis of a rearward part of the armrest relative to a forward part of the armrest and translatable movement in a plane perpendicular to the pivot axis.

Neither Hansen nor Ambasz provide any suggestion or motivation for combining the pivotal and translational movements claimed in Hansen with the pivotal movements claimed in Ambasz. Hansen is not directed to an armrest having pivotal and translatable movement in order to facilitate chair stacking, but instead, combines pivotal and translatable movement for regulation, or adjustment during the operation, of the armrest. Ambasz, on the other hand, teaches a stackable chair, but with an armrest that is only capable of pivotal movement about a forward part of the armrest. Thus, there would have been no motivation for one skilled in the art to combine the translatable movement of Hansen, which was not used to facilitate chair stacking, with the pivotal movement of the forward part of the armrest in Ambasz.

Moreover, Applicant respectfully submits that even if Ambasz and Hansen are combined, they do not teach or suggest all of Applicant's claim limitations. The Examiner acknowledges that Ambasz does not teach an armrest mounted on an arm support having simultaneous pivotal and translatable movement. Ambasz teaches a stackable chair, such that the armrest is only capable of pivotal movement about a vertical pivot axis of the armrest. As shown in Fig. 5A, 5C, and 6A, the Ambasz armrest pivots about a vertical axis of a *forward* part of the armrest. Ambasz discloses neither an armrest capable of translatable movement in a plane perpendicular to the pivot axis, nor an armrest capable of pivotal movement about a substantially vertical pivot

axis of a *rearward* part of the armrest. As such, the disclosure in Ambasz is absent these claim limitations of the instant application.

Hansen teaches an armrest moveable in a simultaneous pivotal and translatory manner. As shown in Fig. 4, however, Hansen teaches a pivot pin and pivot slot located in substantially the *center* part of the horizontal plane of the armrest. This limitation allows the Hansen armrest to move in a pivotal manner about a vertical axis of only the center part of the armrest. Hansen does not disclose or suggest an armrest capable of pivotal movement about a vertical pivot axis of a *rearward* part of the armrest. As such, the disclosures of both Ambasz and Hansen are absent this claim limitation of the instant application. Thus, even assuming there was motivation to combine Hansen with Ambasz, there is clearly no teaching in these references to further modify the resulting chair to one which has a vertical pivot axis on the *rearward* part of the armrest. That feature, critical to the operation of the claimed invention, is found only in Applicant's disclosure. Applicant therefore respectfully submits that Ambasz and Hansen, even if combined, do not render claim 14 obvious and allowance of claim 14 is requested.

The combination of Ambasz and Hansen has also been cited against claims 15-17, which are dependent on claim 14. Based upon the foregoing, Applicant respectfully submits that claims 15-17 are likewise not rendered obvious by the combination of Hansen with Ambasz.

Claims 18 and 19 are objected to as being dependent on a rejected base claim, but would otherwise be allowable if rewritten in independent form. Because claims 18 and 19 are dependent on what is now believed to be allowable claim 14, the objection to claims 18 and 19 should be withdrawn.

Conclusion

Based on the foregoing, Applicants submit that the present application is now in condition for allowance. A Notice of Allowance is respectfully requested. Applicant requests a three-month extension of time. A check in the amount set forth in 37 C.F.R. § 1.17(a)(3) is enclosed. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:



Neil P. Sirota

Patent Office Reg. No. 38,306

30 Rockefeller Plaza
New York, NY 10012-4498

Attorneys for Applicants
212-408-2500

Enclosure